

DRAFT #2

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~~Security Information~~

MEMORANDUM FOR:

SUBJECT : Duration of a Subsequent Overseas Tour Immediately
Following Completion of an Overseas Tour of Duty

1. PROBLEM. To formulate Agency policy with respect to the duration of a subsequent overseas tour of duty immediately following completion of an overseas tour by an Agency employee.
2. ASSUMPTIONS.
 - a. The Agency has the authority to require an employee to complete the full period established for a subsequent tour in order to receive transportation to and from an overseas post at Government expense.
 - b. Immediate subsequent tours would often be in the interests of the Agency and the individual concerned.
3. FACTS BEARING ON THE PROBLEM.
 - a. Eligibility for the payment of travel expenses in connection with "home leave" requires that the employee complete two years of continuous service abroad whether the tour of duty involved is an initial or a subsequent tour.
 - b. Staff employees paid from vouchered funds and staff agents are currently required to agree to remain overseas at least 12 months to receive transportation to their overseas posts at Government expense. Staff employees paid from confidential funds are not presently required to make this commitment.
 - c. Consideration is currently being given to establishing an Agency policy concerning overseas tours under official cover. The

draft Regulation containing this proposal states the need for establishing tours which are consistent with cover requirements and prescribes 12 months as a minimum tour.

4. DISCUSSION.

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a. Although it is not clear whether an employee who fails to complete a minimum 12 months' tour is required by law to reimburse the Agency for his transportation, there appears to be authority for establishment of such a requirement by the Agency. (Tab A)

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b. Although subsequent tours at the same post may sometimes pose security problems, there are several advantages which may be expected to result in most instances. (Tab B)

c. The principal factors involved in determining the duration of subsequent tours are cover requirements, operational needs, the degree of hardship to the employee and the acceptability of such tours to the Agency and to the employee. In the case of an employee who accepts an immediate subsequent tour at the same post or who is reassigned from one unhealthy post to another, consideration of these factors appears to support shorter tours than would be standard in accordance with first tours for the cover organization. (Tab C)

5. CONCLUSIONS.

a. Except for reasons of operational necessity, employees transferring from one overseas post to another post in a different geographical area or who are reassigned to the same post following an intervening headquarters tour should serve the normal tour established for the new post.

b. Exceptions to the normal tour for the area and cover organization should be approved for employees who accept immediate subsequent tours at the same post or within the same geographic area and for those who are reassigned from one unhealthy post to another.

(1) The period of such subsequent tours should be at least 12 months.

(2) In those cases in which cover requirements do not predetermine its duration, the length of such a shorter tour should be administratively established on the basis of operational needs, the degree of hardship involved and the conditions acceptable to the Agency and the individual concerned.

c. Employees who agree to immediate subsequent tours should be authorized return transportation at Government expense upon the completion of such tours. However, unless the tour is at least two years, payment of travel expenses in connection with "home leave" cannot be authorized. *for 12-18 month leave in US at Government expense* *statutes*

6. RECOMMENDATIONS. It is recommended that the above conclusions be approved and appropriate provisions incorporated in Regulation 20-560, Overseas Tours of Duty now being prepared.

GEORGE E. MELDON
Personnel Director

Attachments

ACTION BY APPROVING AUTHORITY:

Distribution:

- 0 & 1 - Addressee
- 1 - General Counsel
- 1 - OPD
- 3 - PRCS

TAB A

AUTHORIZATION FOR PAYMENT OF TRANSPORTATION
TO AND FROM OVERSEAS POSTS

1. In connection with the payment of transportation to and from an overseas post of duty, section 7 of Public Law 600, 79th Congress, requires that new appointees agree in writing that they will remain in the Government for 12 months from the date of appointment unless separated for reasons above their control and acceptable to the employing agency. Employees who do not fulfill this agreement are required to reimburse the Government for the cost of their transportation to the overseas post and are ^{not} entitled to return transportation at Government expense. Public Law 830, 81st Congress, extends this requirement to all employees. The Comptroller General has ruled that the 12 months required by law is a minimum requirement and that the employing agency may prescribe such longer periods for new appointees as may be deemed appropriate. (27 Comp. Gen. 70) Although this decision was stated prior to the enactment of Public Law 830, it would presumably have application to all employees obtaining transportation to an overseas post at Government expense.

2. It is not clear whether an employee who serves a subsequent overseas tour is required by the provisions of Public Law 600, as amended by Public Law 830, to reimburse the Agency for transportation to his overseas post of duty if he fails to complete a minimum 12 months of service overseas. In this case, the statutory requirement of remaining in the Government service for 12 months from the date of appointment would in all probability be fulfilled even before the employee accepts the subsequent

tour. Moreover, there is no basis for assuming that the date of arrival at an overseas post can be equated with the date of appointment.

3. Section 5(a) of Public Law 110 provides that transportation of Agency employees assigned to permanent duty stations outside the continental United States may be paid under such regulations as the Director may prescribe. Notwithstanding the need for clarification of Public Law 600, as amended by Public Law 830, therefore, there appears to be sufficient authority for the Agency to require that any employee serve the full period of a prescribed overseas tour in order to obtain transportation at Government expense.

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TAB B

ADVANTAGES AND DISADVANTAGES OF
SUBSEQUENT OVERSEAS TOURS

1. Among the prospective advantages to be obtained through subsequent tours of duty are the following:
 - a. The likelihood of retaining trained and qualified personnel overseas for additional tours would be increased.
 - b. The retention of such personnel overseas would increase the continuity and flexibility of Agency operations and activities.
 - c. The difficulties which overseas employees sometimes experience in obtaining housing and moving their families overseas would be lessened.
 - d. The problems involved in further utilization of employees whose cover has been developed as a part of their initial overseas assignment would be lessened if they were assigned subsequent tours of duty overseas under the same cover arrangements.
2. The disadvantages of subsequent tours appear to include the following:
 - a. Increased retention of such employees in overseas assignments would tend to retard the interchange of personnel between headquarters and the field and slightly reduce the opportunities for overseas assignments for headquarters personnel.
 - b. Subsequent overseas tours might occasionally jeopardize or strain cover arrangements and pose general security and operational problems.

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TAB C

FACTORS IN DETERMINING DURATION OF TOUR

1. In brief, the principal considerations involved in determining the length of subsequent overseas tours are cover requirements, operational needs, the degree of hardship attendant to such tours and the acceptability of such tours to the Agency and the individual concerned.

2. In assessing these factors, it appears that the length of subsequent tours of duty must conform to cover requirements and ordinarily should be consistent with the usual practices of the appropriate cover organization. A minimum period of one year seems to be a prerequisite to a policy on subsequent tours of duty since lesser periods would not be economically sound. When operational reasons require short-term overseas assignments, they should be handled on a TDY basis.

3. To the extent that the above considerations permit administrative flexibility in prescribing the period of subsequent tours, primary consideration should be given to operating needs and the degree of hardship involved. Since shorter subsequent tours should be acceptable both to the individual concerned and the Agency, it would not be in the Agency's interest for a shorter subsequent tour to be prescribed on the basis of the employee's desires alone. A shorter tour could be provided as an inducement to an employee to remain overseas when the operational needs of the Agency are soluble by his retention or when a definite hardship is being imposed. In this regard, the immediacy and location of a subsequent tour are criteria of the degree of hardship involved. The immediate return of employees to the same overseas post might involve personal

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sacrifice and inconvenience, particularly if the post is unhealthful. However, the degree of hardship would be materially decreased if the employee were given an intervening tour of duty at headquarters before his reassignment. Similarly, the transfer of an employee from one overseas post to another post in a different area would often cause little hardship unless the transfer was to a hardship post.

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